

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BDRN, LLC, BDRN PHARMACY, LLC, and JOHN  
DOE,

Plaintiff,

-against-

UNITEDHEALTHCARE OF NEW YORK, INC.,  
UNITEDHEALTHCARE INSURANCE COMPANY  
OF NEW YORK, and OPTUMRX, INC.,

Defendants.  
-----X

Civil Act. No.: 15-cv-804(NSR)

**DECLARATION OF  
MICHAEL H. BERNSTEIN**

**DOCUMENT  
ELECTRONICALLY FILED**

MICHAEL H. BERNSTEIN, pursuant to 28 U.S.C. §1746(2), being duly sworn, deposes  
and states under penalty of perjury:

1. I am a member of Sedgwick LLP, attorneys for Defendants. My Declaration is based on my personal knowledge.
2. This Declaration is respectfully submitted in opposition to Plaintiffs' motion brought by order show cause for a preliminary injunction.
3. Annexed hereto as **Exhibit "J"** is a true and correct copy of the Complaint.
4. Annexed hereto as **Exhibit "K"** is a true and correct copy of the proposed order to show cause submitted to the Supreme Court for the State of New York, County of Westchester.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 20, 2015

\_\_\_\_\_  
s/  
MICHAEL H. BERNSTEIN

**CERTIFICATE OF SERVICE**

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MICHAEL H. BERNSTEIN** was served via ECF on this 20th day of February, 2015 upon the following:

Joseph Murphy, Esq.  
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*Attorneys for Plaintiff*

s/\_\_\_\_\_  
Michael H. Bernstein

Dated: New York, New York  
February 20, 2015